

104TH CONGRESS
2D SESSION

S. 1960

To require the Secretary of Transportation to reorganize the Federal Aviation Administration to ensure that the Administration carries out only safety-related functions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 16, 1996

Ms. SNOWE (for herself and Mr. PRESSLER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the Secretary of Transportation to reorganize the Federal Aviation Administration to ensure that the Administration carries out only safety-related functions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DEFINITIONS.**

4 For purposes of this Act, the following definitions
5 shall apply:

6 (1) ADMINISTRATION.—The term “Administra-
7 tion” means the Federal Aviation Administration.

1 (2) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Federal
3 Aviation Administration.

4 (3) AIR TRANSPORTATION.—The term “air
5 transportation” means foreign air transportation,
6 interstate air transportation, or the transportation
7 of mail by aircraft.

8 (4) AIRCRAFT.—The term “aircraft” means
9 any contrivance invented, used, or designed to navi-
10 gate, or fly in, the air.

11 (5) FUNCTION.—The term “function” means
12 any duty, obligation, power, authority, responsibility,
13 right, privilege, activity, or program.

14 (6) OFFICE.—The term “office” includes any
15 office, administration, agency, institute, unit, organi-
16 zational entity, or component thereof.

17 (7) SECRETARY.—The term “Secretary” means
18 the Secretary of Transportation.

19 **SEC. 2. REORGANIZATION.**

20 (a) IN GENERAL.—Not later than 180 days after the
21 date of enactment of this Act, the Secretary, in consulta-
22 tion with the Administrator, shall reorganize the Federal
23 Aviation Administration in accordance with this Act.

24 (b) TRANSFER OF FUNCTIONS.—In carrying out the
25 reorganization under this Act, the Secretary shall transfer

1 to another office of the Department any function of the
2 Administration that is not directly related to the pro-
3 motion of air safety.

4 (c) USE OF FUNDS.—In carrying out the reorganiza-
5 tion under this Act, the Secretary is authorized to use
6 funds made available for the Administration for the func-
7 tions transferred to other offices of the Department under
8 subsection (b)(1) to carry out those functions.

9 **SEC. 3. SAVINGS PROVISIONS.**

10 (a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—
11 Until modified, terminated, superseded, set aside, or re-
12 voked in accordance with law by the President, the Sec-
13 retary or other authorized official, a court of competent
14 jurisdiction, or by operation of law, all orders, determina-
15 tions, rules, regulations, permits, agreements, grants, con-
16 tracts, certificates, licenses, registrations, privileges, and
17 other administrative actions shall continue if they are—

18 (1) issued, made, granted, or allowed to become
19 effective by the President, any Federal agency or of-
20 ficial thereof, or by a court of competent jurisdic-
21 tion, in the performance of functions that are trans-
22 ferred under this Act; and

23 (2) in effect on the date of enactment of this
24 Act, or were final before the date of enactment of

1 this Act and are to become effective on or after such
2 date.

3 (b) PROCEEDINGS NOT AFFECTED.—

4 (1) IN GENERAL.—The provisions of this Act
5 shall not affect any proceedings, including notices of
6 proposed rulemaking, or any application for any li-
7 cense, permit, or financial assistance pending before
8 the Federal Aviation Administration on the date of
9 enactment of this Act, and those proceedings and
10 applications shall be continued. Orders shall be is-
11 sued in such proceedings, appeals shall be taken
12 therefrom, and payments shall be made pursuant to
13 such orders, as if this title had not been enacted,
14 and shall continue in effect until modified, termi-
15 nated, superseded, or revoked by a duly authorized
16 official, by a court of competent jurisdiction, or by
17 operation of law.

18 (4) RULE OF CONSTRUCTION.—Nothing in this
19 subsection may be construed to prohibit the dis-
20 continuance or modification of any proceeding re-
21 ferred to in paragraph (1) under the same terms
22 and conditions, and to the same extent, that such
23 proceeding could have been discontinued if this Act
24 had not been enacted.

1 (c) SUITS NOT AFFECTED.—The provisions of this
 2 Act shall not affect suits commenced before the date of
 3 enactment of this Act. In all such suits, proceedings shall
 4 be had, appeals taken, and judgments rendered in the
 5 same manner and with the same effect as if this Act had
 6 not been enacted.

7 (d) NONABATEMENT OF ACTIONS.—No suit, action,
 8 or other proceeding commenced by or against the Federal
 9 Aviation Administration or by and against any individual
 10 in the official capacity of such individual as an officer of
 11 the Federal Aviation Administration, shall abate by reason
 12 of the enactment of this Act.

13 (e) ADMINISTRATIVE ACTIONS RELATING TO PRO-
 14 MULGATION OF REGULATIONS.—Any administrative ac-
 15 tion relating to the preparation or promulgation of a regu-
 16 lation by the Federal Aviation Administration relating to
 17 a function transferred under this title may be continued
 18 by the Department with the same effect as if this title
 19 had not been enacted.

20 **SEC. 4. REFERENCES.**

21 Reference in any other Federal law, Executive order,
 22 regulation, or any document relating to—

23 (1) the Administrator, with regard to the func-
 24 tions transferred under section 2, shall be deemed to
 25 refer to the Secretary; and

1 (2) the Administration, with regard to functions
2 transferred under section 2, shall be deemed to refer
3 to the Department.

4 **SEC. 5. RECOMMENDED LEGISLATION.**

5 Not later than 180 days after the date of enactment
6 of this Act, the Secretary shall prepare and submit to the
7 Congress recommended legislation containing technical
8 and conforming amendments (including amendments to
9 subtitle VII of title 49, United States Code) to reflect the
10 changes made by this Act.

○